

House Study Bill 96 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act exempting internet protocol-enabled service and voice
2 over internet protocol service from specified regulatory
3 authority.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 476.30 Internet protocol-enabled
2 service and voice over internet protocol service — regulation.

3 1. Notwithstanding any other provision to the contrary,
4 a department, agency, board, or political subdivision of the
5 state shall not by rule, order, or other means directly or
6 indirectly regulate the entry, rates, terms, or conditions
7 for internet protocol-enabled service or voice over internet
8 protocol service.

9 2. For the purposes of this section:

10 a. *“Internet protocol-enabled service”* means any service,
11 capability, functionality, or application that uses internet
12 protocol or any successor protocol and enables an end user to
13 send or receive voice, data, or video communication in internet
14 protocol format or a successor format.

15 b. *“Political subdivision”* means the same as defined in
16 section 145A.2.

17 c. *“Voice over internet protocol service”* means an internet
18 protocol-enabled service that facilitates real-time, two-way
19 voice communication that originates from, or terminates at, a
20 user’s location and permits the user to receive a call that
21 originates from the public switched telephone network and to
22 terminate a call on the public switched telephone network.

23 *“Voice over internet protocol service”* does not include a
24 service that uses ordinary customer premises equipment with
25 no enhanced functionality that originates from and terminates
26 on the public switched telephone network, undergoes no net
27 protocol conversion, and provides no enhanced functionality
28 to end users due to the provider’s use of internet protocol
29 technology.

30 3. This section shall not be construed to modify or affect
31 the following:

32 a. The authority of the attorney general to take any action
33 pursuant to chapter 537, section 714.16, or any provision which
34 provides that a violation of that provision constitutes a
35 violation under section 714.16.

1 *b.* The application or enforcement of a law or rule that may
2 apply generally to the conduct of business in this state.

3 *c.* The board's authority under 47 U.S.C. §§251 and 252.

4 4. Providers of voice over internet protocol service shall
5 be subject to the following assessments and surcharges:

6 *a.* Surcharges for E911 emergency services under section
7 34A.7.

8 *b.* Assessments for dual party relay service under section
9 477C.7.

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EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that, notwithstanding any other provision
14 to the contrary, a department, agency, board, or political
15 subdivision of the state shall not by rule, order, or other
16 means directly or indirectly regulate the entry, rates, terms,
17 or conditions for internet protocol-enabled service or voice
18 over internet protocol service.

19 The bill defines "internet protocol-enabled service" to mean
20 any service, capability, functionality, or application that
21 uses internet protocol or any successor protocol and enables an
22 end user to send or receive voice, data, or video communication
23 in internet protocol format or a successor format. The bill
24 defines "voice over internet protocol service" to mean an
25 internet protocol-enabled service that facilitates real-time,
26 two-way voice communication that originates from, or terminates
27 at, a user's location and permits the user to receive a call
28 that originates from the public switched telephone network and
29 to terminate a call on the public switched telephone network.
30 The bill provides that "voice over internet protocol service"
31 does not include a service that uses ordinary customer premises
32 equipment with no enhanced functionality that originates from
33 and terminates on the public switched telephone network,
34 undergoes no net protocol conversion, and provides no enhanced
35 functionality to end users due to the provider's use of

1 internet protocol technology. The bill references a definition
2 of "political subdivision" contained in Code section 145A.2 as
3 meaning any county, township, school district, or city.

4 The bill provides that the bill's provisions regarding
5 exemption from regulation shall not be construed to modify or
6 affect the authority of the attorney general to take any action
7 pursuant to Code chapter 537 relating to consumer protection
8 or Code section 714.16 relating to consumer fraud or to modify
9 or affect any provision which provides that a violation of
10 that provision constitutes a violation of the consumer fraud
11 provisions of Code section 714.16. Additionally, the bill's
12 provisions shall not be construed to modify or affect the
13 Iowa utility board's authority under federal law relating to
14 telecommunications carrier interconnection agreements and
15 procedures. Under the bill, providers of voice over internet
16 protocol service shall be subject to surcharges for enhanced
17 911 services pursuant to Code section 34A.7 and assessments for
18 dual party relay service pursuant to Code section 477C.7.